

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARCUS HOWERTON,

Plaintiff

Case No. 2:22-cv-00280-APG-VCF

ORDER

v.

CLARK COUNTY DETENTION CENTER,
et al.,

Defendants

I. DISCUSSION

On February 14, 2022, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1). Plaintiff has neither paid the full \$402 filing fee for this matter nor filed an application to proceed *in forma pauperis*.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and
- (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

The Court will grant Plaintiff a **one-time** opportunity to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents, or in the alternative, pay the full \$402 filing fee for this action on or before **April 18, 2022**. Absent unusual circumstances, the Court will not grant any further extensions of time.

1 If Plaintiff is unable to file a fully complete application to proceed *in forma pauperis*
 2 with all three required documents or pay the full \$402 filing fee on or before **April 18,**
 3 **2022**, this case will be subject to dismissal without prejudice for Plaintiff to file a new case
 4 with the Court when Plaintiff is either able to acquire all three of the documents needed
 5 to file a fully complete application to proceed *in forma pauperis* or pays the full \$402 filing
 6 fee.

7 A dismissal without prejudice means Plaintiff does not give up the right to refile the
 8 case with the Court, under a new case number, when Plaintiff has all three documents
 9 needed to submit with an application to proceed *in forma pauperis*. Alternatively, Plaintiff
 10 may choose not to file an application to proceed *in forma pauperis* and instead pay the
 11 full filing fee of \$402 on or before **April 18, 2022** to proceed with this case.

12 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court
 13 will not file the complaint unless and until Plaintiff timely files a fully complete application
 14 to proceed *in forma pauperis* with all three documents or pays the full \$402 filing fee.

15 **II. CONCLUSION**

16 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send
 17 Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well
 18 as the document entitled information and instructions for filing an *in forma pauperis*
 19 application.

20 IT IS FURTHER ORDERED that on or before **April 18, 2022**, Plaintiff will either
 21 pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52
 22 administrative fee) or file with the Court:

23 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this
 24 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two
 25 signatures on page 3),

26 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
 27 official (i.e. page 4 of this Court's approved form), and

28 (3) a copy of the **inmate's prison or jail trust fund account statement for the**

IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to proceed *in forma pauperis* with all three documents or pay the full \$402 filing fee for a civil action on or before **April 18, 2022**, this case will be subject to dismissal without prejudice for Plaintiff to refile the case with the Court, under a new case number, when Plaintiff has all three documents needed to file a complete application to proceed *in forma pauperis* or pays the full \$402 filing fee.

DATED: 2-16-2022

Cam Fackler

- 3 -